HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.20411 of 2002

29.8.2007

Between

T.Chalamacharyulu ..Petitioner

AND

District Educational Officer, East Godavari at Kakinada ..Respondents and others

:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.20411 of 2002

The grandfather of the writ petitioner appears to be a visionary individual who had visualized the urgent need of establishing an upper primary school in one of the backward localities of East Godavari District way back in the year 1925. The School was established and run initially with the patronage of the philanthropic founder and his family members and subsequently, the State Government had been granting aid for operating the School. As at present, the school is said to be having the strength of more than five hundred students. On a representation made by the Correspondent of the School, the District Educational Officer, East Godavari, Kakinada passed orders dated 21.8.2002 permitting the Manager to hand over the Hindu Aided Upper Primary School, Indukurupeta of Devipatnam Mandal along with the staff and its assets to the Mandal Educational Officer, Devipatnam to eventually manage the same. Thus, there is a complete transfer of the management of the School from the hands of the founder family members to the control of the State. This is what has been objected to by the present writ petitioner.

The writ petitioner reasons it out that as long back as on 9.9.1962, the Education Department has recognized the transfer of the management of the School in question in favour of Sri T.Narasimha Rao with effect from 17.7.1962. The said T.Narasimha Rao is the father of the writ petitioner. The writ petitioner asserts that only due to failing health and a misrepresentation indulged in by another son of the said

Narasimha Rao, the management of the School has been made over to the State instead of retaining the same within the fold of the founder's family.

I am afraid that these controversial questions of fact cannot be adjudicated upon in this writ petition. Evidence has got to be led in and collected as to whether at the time of making over the management of the School in question, Sri Narasimha Rao is in a fit state of mind to give his consent for transfer of the management or not; or was there was any coercion through any other member of the family; or any other villager on him to make over the management of the School. It is open to the writ petitioner to establish these questions of fact in a properly constituted Civil Suit basing upon the outcome of which, he can seek further remedial action at the hands of the District Educational Officer, Kakinada, who I have no reason to doubt, will get guided in the matter by the judgment of the Civil Court.

With this, the writ petition stands disposed of. No costs.

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NOOTY RAMA MOHANA RAO.J.

29.8.2007
psr